

REMARKS

In the Office Action dated September 17, 2003, claims 1-15 were examined with the result that all claims were rejected. In response, Applicant has canceled claims 2-4 and 10, and rewritten claims 1, 5, 9 and 11. In view of the above amendments and following remarks, reconsideration of this application is requested.

In the Office Action, the Examiner objected to the drawings because the reference character "29" was used to designate both the right and left end plugs in Fig. 2. It is clear from the specification that the left end plug should have been designated with the reference character "28" rather than "29." See for example page 6, lines 17-24. Accordingly, Applicant has submitted a proposed drawing correction for approval by the Examiner. As the Examiner can see, the left end plug originally designated with the reference character "29" has been corrected to be designated by the reference character "28." As a result, Applicant requests the Examiner approve the proposed drawing correction and withdraw the objection to the drawings.

In the Office Action, claims 1-15 were rejected under 35 USC §112, second paragraph, as being indefinite. The Examiner first objected to the alternative word "or" in line 1 of claim 1. In response, Applicant has canceled the phrase "for a door or window" from the preamble of claim 1. Thus, claim 1 now refers to "a sill assembly comprising...." A sill is defined in Webster's dictionary as the horizontal member at the base of a window or alternately as the threshold of a door. Accordingly, it is believed that the preamble to claim 1, as amended, now clearly distinctly points out and claims the subject matter which Applicant regards as its invention. Accordingly, Applicant requests the Examiner withdraw the §112 indefiniteness rejection to the preamble of claim 1.

The Examiner also objected to the phrase "said one end of said channel" in line 9 of original claim 1 as lacking antecedent basis. Accordingly, Applicant has revised this phrase in newly amended claim 1 to refer to "said one end of said frame member." There is clear antecedent basis for this phrase as the end plug was previously defined as being mounted to "one end of elongated frame member." Thus, there is proper antecedent basis

for this phrase as amended, and therefore Applicant requests the Examiner to withdraw the §112 indefiniteness rejection of this portion of claim 1.

The Examiner also objected to the phrase "the front edge of said ramp" in line 9 of original claim 9 as also lacking antecedent basis. However, Applicant believes claim 9, as originally filed and as amended herein, provides proper antecedent basis for this phrase. As the Examiner can see in claim 9, the ramp is defined as extending forwardly and sloping downwardly from the rear wall to a front edge. Thus, Applicant believes the phrase "the front edge of said ramp" found later in the claim when referring to the drainage chamber has proper antecedent basis. Accordingly, Applicant requests the Examiner withdraw the §112 indefiniteness rejection of this portion of claim 9.

Finally, the Examiner objected to the phrase "a sill assembly" found in line 3 of original claim 11 as being unclear whether it is referring to the sill assembly set forth in the preamble of claim 9 from which it depends. In response, Applicant has amended claim 11 to refer to "the sill assembly" which is thus referring to the sill assembly mentioned in the preamble of claim 9. Accordingly, Applicant requests the Examiner withdraw the §112 indefiniteness rejection of claim 11.

In the Office Action, claims 1-4 and 7 were rejected under 35 USC §103(a) as being unpatentable for Headrick U.S. Patent 5,136,814 in view of Bates U.S. Patent 3,410,027. Applicant, however, respectfully disagrees for the following reasons.

Claim 1 has been amended herein to specify that the end plug is mounted to one end of an elongated frame member of the sill assembly so that its drainage ramp is disposed at a location immediately adjacent to and flush with the floor of the channel of the elongated frame member. This is accomplished by using a pair of aligned shoulders which are also now set forth in claim 1. The advantage of this is that Applicant's sill assembly can utilize a frame member that does not require any fabrication to either the channel or the sill portions thereof in order to accommodate the end plug. In other words, in Headrick '814, the Examiner can see that vertical supports 21 and 22 depending from the underside of sill 18 both require a notch 40 to be fabricated therein in order to

accommodate the end cap, and specifically the trough 42 adjacent the lower 44 of end cap 36. In contrast, there is no need to form any notches, cutouts, tab-receiving slots or the like in the end of Applicant's frame member. This is a significant advantage when assembling the sill assembly since one only needs to cut the frame member to a desired length and insert the end plug. In contrast, in a sill assembly such as that shown by Headrick '814, one must first cut the frame member to length and then one must also form the notches 40 in supports 21 and 22 before the end cap 36 can be positioned in place.

To this end, claim 1 has been amended to define the end plug as including a pair of shoulders, one formed on the outer end of the drainage ramp and the other formed on the outer end of the top wall of the drainage chamber so that the drainage ramp is disposed at a location flush with and immediately adjacent to the floor of the channel at one end of the frame member of the sill assembly. There is clear support in the specification as filed for these shoulders, and Applicant refers the Examiner, for example, to the description at page 8, lines 4-13 as well as Figs. 2, 5a and 5b.

The Headrick '814 reference does not show a pair of aligned shoulders that extend longitudinally along the end cap. In contrast, Headrick '814 illustrates a notch at the rear of its end cap which engages the edge of the frame member when the end cap is inserted into the frame member. This notch can be seen in Fig. 1 of Headrick '814 just below the reference character "39," but the notch itself is not numbered. The Examiner should note that this notch or shoulder extends vertically rather than longitudinally along the outer edges of the ramp and chamber, as in Applicant's structure, and as now claimed in claim 1. Thus, Applicant believes claim 1 is now clearly distinguishable and patentable over Headrick '814.

Bates '027 also does not show such shoulders and thus does not add what is missing from Headrick '814.

In the Office Action, claim 5 was rejected as being unpatentable over Headrick in view of Bates as applied to claims 1-4 and 7, and further in view of Kessler U.S. Patent 4,691,487. Kessler, however, was only cited by the Examiner to illustrate a drainage

chamber 10 having a hinged weep door 38. Kessler '487 does not illustrate an end cap for a sill assembly. Thus, Kessler et al does not supply what is missing from both Headrick and/or Bates.

In the Office Action, claim 6 was rejected as being unpatentable over Headrick in view of Bates as applied to claim 1-4 and 7, and further in view of Reithmeyer et al U.S. Patent Application 2003/0005644. Again, however, Reithmeyer et al was merely cited by the Examiner to disclose an end plug 120 which includes a mounting plate 123. The end plug 120 shown in Reithmeyer et al clearly does not illustrate a drainage ramp and chamber each having aligned shoulders which position the drainage ramp of the end cap flush with and immediately adjacent to the floor of the channel of an elongated frame member in a sill assembly. Thus, Reithmeyer does not disclose what is missing from both Headrick and Bates.

In the Office Action, claim 8 was rejected as being unpatentable over Headrick in view of Bates as applied to claims 1-4 and 7 and further in view of Levenez U.S. Patent 4,492,062. Levenez, however, was merely cited by the Examiner as disclosing a plug 29 having a guide member 32. Again, no aligned shoulders are illustrated and thus Levenez does not teach what is missing from Headrick and/or Bates.

In the Office Action, claims 9-11 were rejected under 35 USC §103(a) as being unpatentable over Headrick '814 in view of Young U.S. Patent 5,179,804. Claim 9 has been amended herein in a manner similar to claim 1. Therefore, Applicant believes the same arguments referred to previously with respect to claim 1 apply with respect to a combination of Headrick '814 and/or Young '804. Neither reference teaches or suggests the use of shoulders which abut against one end of an elongated frame member to mount an end plug having a drainage ramp disposed at a location flush with and immediately adjacent thereto.

In the Office Action, claim 12 was rejected as being unpatentable over Headrick in view of Young as applied to claims 9-11 and further in view of Levenez. However, for

Application No. 10/016,500
Amendment Dated February 17, 2004
Reply to Office Action of September 17, 2003

BEST AVAILABLE COPY

the same reasons noted above with respect to claim 8, Levenez does not supply what is missing from either Headrick or Young.

In the Office Action, claim 13 was rejected as being unpatentable over Headrick in view of Young as applied to claims 9-11, and further in view of Kessler. Again, as with the comments referred to above with respect to claim 5, Kessler does not supply what is missing from Headrick or Young.

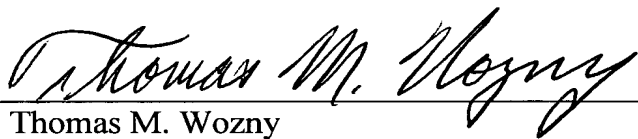
Finally, claims 14 and 15 were rejected as being unpatentable over Headrick in view of Young and applied to claims 9-11 and further in view of Reithmeyer et al. Once again, as with Applicant's comments with respect to claim 6, Reithmeyer et al does not supply what is missing from Headrick or Young.

In view of the above comments, Applicant believes claims 1, 5-9 and 11-15 are all now allowable.

An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Thomas M. Wozny
Reg. No. 28,922
(414) 271-7590

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202